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8 **UNITED STATES DISTRICT COURT**
9 **SOUTHERN DISTRICT OF CALIFORNIA**
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11 LAWRENCE MICHAEL DEMKO,

12 Plaintiff,

13 vs.

14 COMMISSIONER OF SOCIAL
15 SECURITY,

16 Defendant.

CASE NO. 15cv906-LAB (BLM)

**ORDER ADOPTING REPORT AND
RECOMMENDATION AND ORDER OF
DISMISSAL**

17 This social security appeal was referred to Magistrate Judge Barbara L. Major for a
18 report and recommendation ("R & R"). Judge Major's R & R on the cross motions for
19 summary judgment recommends that Plaintiff Lawrence Michael Demko's motion be denied
20 and the Defendant Commissioner of Social Security's ("Commissioner") motion be granted.
21 Objections to the R & R were due on February 26, 2016. No objections were filed.

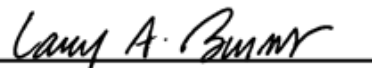
22 A district court has jurisdiction to review a Magistrate Judge's report and
23 recommendation on dispositive matters. Fed. R. Civ. P. 72(b). "The district judge must
24 determine de novo any part of the magistrate judge's disposition that has been properly
25 objected to." *Id.* "A judge of the court may accept, reject, or modify, in whole or in part, the
26 findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1). This
27 section does not require some lesser review by the district court when no objections are filed.
28 *Thomas v. Arn*, 474 U.S. 140, 149-50 (1985). The "statute makes it clear that the district

1 judge must review the magistrate judge's findings and recommendations de novo *if objection*
2 *is made*, but not otherwise." *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir.
3 2003). The Court has nonetheless reviewed the R & R and agrees with its rationale and
4 conclusions.

5 Plaintiff's motion for summary judgment is **DENIED**, and Defendant's motion for
6 summary judgment is **GRANTED**.

7 **IT IS SO ORDERED.**

8 DATED: March 16, 2016

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10 **HONORABLE LARRY ALAN BURNS**
11 United States District Judge
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